

United States District Court		District of Massachusetts
Name ANTHONY M. LEO	Prisoner No. A-83901	Case No.
Place of Confinement Old Colony Correctional Center One Administration Road Bridgewater, Massachusetts 02324		
Name of Petitioner (include name under which convicted) ANTHONY M. LEO		Name of Respondent (authorized person having custody of petitioner) V. COMMONWEALTH OF MASSACHUSETTS
The Attorney General of the State of: Thomas F. Reilly		

PETITION

- Name and location of court which entered the judgment of conviction under attack Worcester Superior Court, 2 Main Street, Worcester, Massachusetts 01608
- Date of judgment ~~XXXXXX~~ 07/18/2002
- Length of sentence Bail set at \$5,000,000.00 surity and \$500,000.00 cash
- Nature of offense involved (all counts) 4 Counts AGG. Rape
2 Counts B+E daytime
2 Counts larceny from building
- What was your plea? (Check one)

(a) Not guilty	<input checked="" type="checkbox"/>
(b) Guilty	<input type="checkbox"/>
(c) Nolo contendere	<input type="checkbox"/>

If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:

N/A
- If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury	<input type="checkbox"/>	N/A
(b) Judge only	<input type="checkbox"/>	
- Did you testify at the ~~xxx~~ bail hearing?
Yes ☐ No ☒
- Did you appeal from the judgment of conviction?
Yes ☒ No ☐

9. If you did appeal, answer the following:

- (a) Name of court Supreme Judicial Court for Massachusetts
- (b) Result Petition under G.L. c. 211, § 3, Single Justice denied relief
- (c) Date of result and citation, if known 06/18/2003 Dckt No:#SJ-2003-0258
- (d) Grounds raised 8th and 14th Amendments to the U.S. Constitution and Articles 10,12,26 of the Massachusetts Declaration of Rights
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following:
- (1) Name of court Full Bench of the Supreme Judicial Court for Massachusetts
- (2) Result Appeal from denial of G.L. c. 211, § 3, petition to reduce bail of 06/18/2003, Court will not hear matter until after September 2004 or later.
- (3) Date of result and citation, if known S.J.C. - 09074
- (4) Grounds raised 5th.,6th.,8th.,&14th., Amendments to the U.S. Constitution violation of 18, U.S.C. § 3142(c)(e)(f), 3145, Articles 10, 12 & 26 of the Massachusetts Declaration of Rights
- (f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Worcester Superior Court, Worcester Ma. 01608
- (2) Nature of proceeding Motion to Revisit Bail, "Change of Circumstances"
- (3) Grounds raised Defendant, no longer "Suicidal" hence a "Risk of Flight" by presenting D.O.C. Menatl Health Reports.

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result Denied-Declined to Act-No Change of Circumstances

(6) Date of result 05/22/2003 Sweeney, J.

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: 8th. Amendment Violations of Excessive Bail

Supporting FACTS (state *briefly* without citing cases or law) On June 17, 2002 Defendants
bail was set at \$5,000.000.00 Surety and \$500.000.00 cash without any
evidence bearing a indica of reliability to justify setting such a high
bail. Bail was set in the above to financially guarantee detention
of defendant whereas he could not ever reasonably meet the financial
demand.

B. Ground two: 14th. Amendment-Procedural Due process

Supporting FACTS (state *briefly* without citing cases or law) Defendant was denied due process
of law at his bail hearing on July 18, 2002. Procedures set forth in
18 U.S.C. § 3142 for setting bail not followed. No other conditions
considered (i.e., least restrictive) before setting \$500.000.00 cash
bail. No factual evidence to support claim of "Risk of Flight".
Preponderance of evidence standard never met.

- C. Ground three: 6th. Amendment Violation - Ineffective Assistance of Counsel provided to indigent defendant.

Supporting FACTS (state *briefly* without citing cases or law) Five attorneys have presently been assigned in this case. Defendant has been held over 24 months awaiting trial and nothing has been completed in my defense or investigation. Attorneys failed to fight for clients. Constitutional Rights and prepare a defense for trial. Attorneys Roemer, Goggins, and Cronin provided assistance far below that of an ordinary fallible lawyer.

- D. Ground four: 5th. Amendment Violation-Length of Pretrial Detention

Supporting FACTS (state *briefly* without citing cases or law) Defendant held for over 24 months with no trial date forthcoming 5th. Attorney just appointed to Defendant. I am being punished for crimes that I am considered innocent of until proven guilty by a jury of my peers. Detention is rendered so harsh by its length that it has degenerated into punishment.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes ☒ No ☐

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

- (a) At preliminary hearing Michael Richstone, Esq. 209 Glenwood Road, Rutland
Ma. (508)-886-2241
- (b) At arraignment and ~~at~~ John Roemer, Esq. Comm. for Pub. Coun. Serv. 340
Main Street, Worcester, Ma. 10608

- (c) At ~~trial~~ Motion to Revisit Bail: John Goggins, 47 Harvard Street,
Worcester, Ma. and Daniel Cronin, P.O. Box 676 Lunenburg, Ma. 01462
- (d) At sentencing _____
- (e) On appeal Anthony Leo, Pro Se, Old colony Correctional Center,
1 Administration Road, Bridgewater, Massachusetts 02324
- (f) In any post-conviction proceeding _____
- (g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: 04/23/2002 detention is limitless.

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

 Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

5-5-04
 (date)

Anthony M Leo
 Signature of Petitioner

CERTIFICATE OF SERVICE

I, Anthony Leo, Petitioner, appearing Pro Se, in the above entitled matter hereby certify that I have served one true copy of the foregoing Petition for Habeas Corpus and Seperate Memorandum upon Thomas F. Reilly, Attorney General, for the Commonwealth of Massachusetts, 1 Ashburton Place, 20th. Floor, Boston, Massachusetts 02108, by first class mail postage prepaid on this 5th day of May, 2004.

Anthony Leo, Pro Se

Anthony M. Leo